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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,625	04/01/2004	Para K. Segaram	57941.000079	7606

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EXAMINER

PHU, PHUONG M

ART UNIT PAPER NUMBER

2631

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/814,625

Applicant(s)

SEGARAM, PARA K.

Examiner

Phuong Phu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) 28 and 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/30/04, 10/28/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

Claim 21 recites the limitation “a calibration path selectively configurable to couple one of the data receiver and the clock receiver to the output driver based at least in part upon the clock signal”. Claim 21 omits functional/connectional operative interrelationships of elements “calibration path”, “data receiver”, “clock receiver” and “output driver”. Such omissions render the claim vague and indefinite on whether the “calibration path” is selectively configurable to couple the output of the “data receiver” to the input of the “output driver” or to couple the input of the “data receiver” to the output of the “output driver”, and on whether the “calibration path” is selectively configurable to couple the output of the “clock receiver” to the input of the “output driver” or to couple the input of the “clock receiver” to the output of the “output driver”.

Claim 22, depended on claim 21, still omits these functional/connectional operative interrelationships, and therefore also rejected.

### ***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application

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claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 21-27 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 14 of U.S. Patent No. 6,775,328. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 14 encompasses the limitations of claims 21-27, respectively.

5. Claims 21-25 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 14 of copending Application No. 10/814,625. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 14 encompasses the limitations of claims 21-25, respectively.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Takla (6,044,123), provided in the IDS filed on 6/30/04.

-Regarding to claim 21, Takla discloses a system (see figure 2) comprises:

driving means (220) of driving an output signal (216) outputted from MUX1 to means (222) (see col. 4, line 4-9), (note that the driving means (220) can be considered here equivalent with the limitation "output driver");

first receiver (262) (see figure 2) of a receiving signal (260) , (note that the first receiver (262) can be considered here equivalent with the limitation "data receiver");

second receiver (inherently included) of obtaining DATA (214) to deliver to MUX1 (see figure 2); (since the DATA (214) includes embedded clock signal information (see col. 3, line 66 to col. 4, line 3), the DATA (214) can be considered here equivalent with the limitation "clock signal" and the second receiver, therefore, can be considered equivalent with the limitation "clock receiver";

path (214, 262, MUX1, 220) of selectively coupling one of the first receiver and the second receiver to the driving means, via means (MUX1, CONTROL CIRCUIT (270)) based at least in part upon the embedded clock signal information of the DATA (214) (see figure 2, and col. 4, line 47 to col. 5, line 7, col. 6, lines 25-48), (note path (214, 262, MUX1, 220) considered equivalent with the limitation "calibration path").

-Regarding to claim 22, Takla discloses that the DATA (214) comprises an embedded command comprising "system pattern" (see col. 4, line 67 to col. 5, line 7), and that the path (214, 262, MUX1, 220) selectively couples one of the first receiver and the second receiver to

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the driving means based at least in part upon the embedded command (see col. 4, line 67 to col. 5, line 7).

-Regarding to claim 23, Takla discloses a first multiplexer (MUX1) coupled to the first receiver and the second receiver, the first multiplexer passing the DATA (214) received by the second receiver when a first multiplexer control signal (274) is in a first state indicating the availability of data signal (214), and passing an input data signal (260) received by the first receiver when the first multiplexer control signal is in a second state indicating the availability of data signal (214) (see figure 2, and col. 4, line 40 to col. 5, line 7, col. 6, lines 25-34).

#### ***Allowable Subject Matter***

8. Claims 28 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

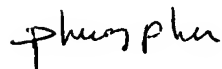
#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Phu whose telephone number is 571-272-3009. The examiner can normally be reached on M-F (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phuong Phu  
12/15/05

**PHUONG PHU  
PRIMARY EXAMINER**

Phuong Phu  
Primary Examiner  
Art Unit 2631